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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et.al.

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE; ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: August 26, 2024.

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure Section 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and Defendant Flowserve US, Inc., Individually and as Successor-in-Interest to Durametallic Corporation (“Defendant”) hereby stipulates as follows:

1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda Case No. 22CV021840.

2. On December 21, 2022, the above action was removed to the United States District Court, Northern District of California, Case No. 4:22-09058.

4. On January 12, 2024, Plaintiffs and Defendant reached an agreement of all claims in this action.


Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the following:

This Court should dismiss this Action in its entirety against Defendant Flowserve US, Inc., Individually and as Successor-in-Interest to Durametallic Corporation, only, without prejudice. Each party to bear its own fees and cost.

DATED: January 23, 2024


Maune Raichle Hartley French & Mudd LLC

By:


Rabiah N. Oral
Attorney for Plaintiffs

DATED: January 23, 2024

By:



Nicole Brown Yuen, Esq.
Attorney for Flowserve US, Inc.,
Individually and as Successor-in-Interest to
Durametallic Corporation

ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: 2/5/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE